

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BOARD OF TRUSTEES of the PIPE FITTERS)	
RETIREMENT FUND, LOCAL 597;)	
BOARD OF TRUSTEES of the PIPE FITTERS)	CIVIL ACTION
WELFARE FUND, LOCAL 597;)	
BOARD OF TRUSTEES of the PIPE FITTERS)	
TRAINING FUND, LOCAL 597; the)	NO.: 08 C 2186
BOARD OF TRUSTEES of the CHICAGO AREA)	
MECHANICAL CONTRACTING INDUSTRY)	
IMPROVEMENT TRUST; and)	JUDGE: GOTTSCHALL
THE PIPE FITTERS' ASSOCIATION,)	
LOCAL 597 U.A.)	
)	MAGISTRATE
Plaintiffs,)	JUDGE: DENLOW
)	
vs.)	
)	
GEORGE'S & SONS, INC.,)	
an Illinois Corporation)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT

Now come Plaintiffs, the BOARD OF TRUSTEES of the PIPE FITTERS' RETIREMENT FUND, LOCAL 597, *et al.*, by and through their attorneys, JOHNSON & KROL, LLC, and moves this Honorable Court for entry of Default Judgment against GEORGE'S & SONS, INC., (hereinafter referred to as "GEORGE'S"), and in support of their Motion state as follows:

1. On April 16, 2008, Plaintiffs filed their Complaint in the above-captioned matter against Defendant GEORGE'S for failure to comply with Plaintiffs' request for an audit of Defendant's books and records.
2. On April 17, 2008, copies of the Summons and Complaint were served on Defendant GEORGE'S via corporate service, by leaving a true and correct copy of the documents with Alan Shifrin, the registered agent of Defendant GEORGE'S. (A copy of the Affidavit is attached as Exhibit 1).

3. The Defendant did not file an Answer within 20 days of April 17, 2008, the date on which Defendant was served with the Summons and Complaint. (Fed. R. Civ. P. 12(a)(3)).
4. On May 8, 2008, the Plaintiffs sent a letter to Defendant's counsel requesting that a responsive pleading be immediately filed. (A copy of the letter is attached as Exhibit 2). To date, Plaintiffs have not received a response from Defendant, and Defendant GEORGE'S has yet to file a responsive pleading.
5. This case involves Defendant GEORGE'S failure and/or refusal to comply with an audit per the terms of the Collective Bargaining Agreement and Trust Agreements.
6. Pursuant to 29 U.S.C. § 1059(a)(1), GEORGE'S is obligated to maintain books and records that are sufficient to determine the amount of contributions that are due the TRUST FUNDS.
7. Pursuant to the provisions of the Trust Agreements and Collective Bargaining Agreement, GEORGE'S is required to provide access to the books and records necessary for the TRUST FUNDS to determine whether GEORGE'S has complied with its obligation to contribute to the TRUST FUNDS.
8. The TRUST FUNDS sought to conduct an audit of GEORGE'S books and records for the period of January 1, 2001 through December 31, 2007, but were unable to complete a preliminary audit because GEORGE'S has failed and/or refused to produce all books and records for all of its employees.
9. Based upon limited payroll records provided to the auditor from GEORGE'S third party payroll administrator, there are discrepancies between the number of employees and hours GEORGE'S reported to the TRUST FUNDS during the audit period.
10. The TRUST FUNDS, through their attorneys, have requested access to all of GEORGE'S

books and records for all of its employees. However, GEORGE'S has failed and/or refused to provide the TRUST FUNDS access to any books and/or records sufficient to determine the amount of contributions due and owing the TRUST FUNDS.

11. Defendant GEORGE'S has breached the terms of the Trust Agreements and the Collective Bargaining Agreement by failing to allow the TRUST FUNDS access to all of its books and records for the period of January 1, 2001 through December 31, 2007 after demand was made upon the Defendant.
12. Plaintiffs are entitled to compliance from GEORGE'S in accordance with the terms of the Trust Agreements and the Collective Bargaining Agreement.
13. A proposed Order is attached as Exhibit 3.

WHEREFORE, Plaintiffs pray that this Honorable Court enter Default Judgment in favor of Plaintiffs and against Defendant GEORGE'S and further order Defendant to provide the TRUST FUNDS access to any books and/or records for the period of January 1, 2001 through December 31, 2007 within three (3) days from the date of this order, so that the Plaintiffs may complete the ongoing audit of the Defendant.

Respectfully submitted,

JOHNSON & KROL, LLC

By: /s/ Joseph E. Mallon - 6280529
One of Plaintiffs' Attorneys

Joseph E. Mallon
Johnson & Krol, LLC
208 South LaSalle Street, Suite 1602
Chicago, Illinois 60604
(312) 372-8587

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

BOARD OF TRUSTEES OF THE PIPE FITTERS' RETIREMENT FUND,
LOCAL 597 et al

PLAINTIFF(S)

vs.

GEORGE'S & SONS, INC.

DEFENDANT(S)

COURT DATE:

Case No.
08 CV 2186

SERVICE DOCUMENTS:
SUMMONS & COMPLAINT

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

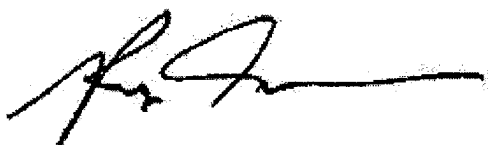
On **Apr 17, 2008**, at **2:30 PM**, I served the above described documents upon **GEORGE'S & SONS, INC.** as shown below:

CORPORATE SERVICE was made by leaving a true and correct copy of the documents with **ALAN SHIFRIN / REGISTERED AGENT**, an officer, managing agent or authorized agent of the within named company.

Said service was effected at **3315 ALGONQUIN RD., STE 202, ROLLING MEADOWS, IL 60008**.

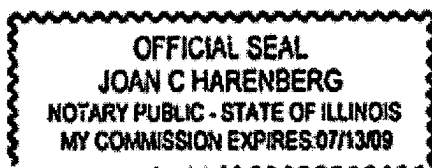
DESCRIPTION: Gender: **M** Race: **WHITE** Age: **54** Hgt: **5'9"** Wgt: **160** Hair: **BALD** Glasses: **YES**

I declare under penalties of perjury that the information contained herein is true and correct.



Ryan Flaska, Lic #: 117-001119
Judicial Attorney Services, Inc.
2100 Manchester Rd., Ste 900
Wheaton, IL 60187
(630) 221-9007

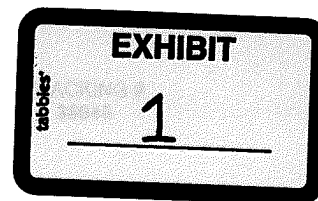
SUBSCRIBED AND SWORN to before me this 17th day of April, 2008



NOTARY PUBLIC

ENT NAME:
son & Krol, LLC*

ORIGINAL PROOF OF SERVICE





ATTORNEYS AT LAW

Johnson & Krol, LLC

May 8, 2008

Via Priority Mail

Mr. Jeffrey S. Marks
Alan H. Shifrin & Associates, LLC
3315 Algonquin Road, Suite 202
Rolling Meadows, IL 60008

Re: Pipe Fitters' Trust Funds, Local 597 vs. George's & Son, Inc.;
Case No.: 07 CV 2186

Dear Mr. Marks:

As you know, I represent the Pipe Fitters' Trust Funds, Local 597 ("Trust Funds") and the Pipe Fitters Association, Local 597 U.A. ("Union"). This letter follows our telephone conversation last week, during which you indicated that George's & Son did not wish to litigate this matter.

As you are aware, George's & Son, Inc. was served with a Summons and Complaint in the above-referenced case on April 17, 2008. Pursuant to the Summons, the Company had until April 8, 2008 to file a responsive pleading in the case. To date, George's & Son has not cooperated with the audit or filed a responsive pleading.

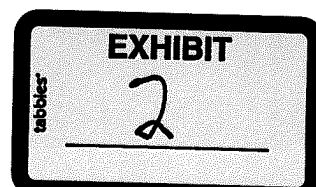
You are advised that if a responsive pleading has not been filed on behalf of your client by Monday, May 12, 2008, I will move for entry of a Default Judgment Order. If you wish to discuss this matter, please contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'J.E. Mallon'.

Joseph E. Mallon

cc: Mr. Gregory J. Watson, Pipe Fitters' Trust Funds, Local 597
Mr. Thomas Moy, Legacy Professionals



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BOARD OF TRUSTEES of the PIPE FITTERS) RETIREMENT FUND, LOCAL 597;) BOARD OF TRUSTEES of the PIPE FITTERS) WELFARE FUND, LOCAL 597;) BOARD OF TRUSTEES of the PIPE FITTERS) TRAINING FUND, LOCAL 597; the) BOARD OF TRUSTEES of the CHICAGO AREA) MECHANICAL CONTRACTING INDUSTRY) IMPROVEMENT TRUST; and) THE PIPE FITTERS' ASSOCIATION,) LOCAL 597 U.A.)) Plaintiffs,)) vs.)) GEORGE'S & SONS, INC.,) an Illinois Corporation)) Defendant.)	CIVIL ACTION NO.: 08 C 2186 JUDGE: GOTTSCHALL MAGISTRATE JUDGE: DENLOW
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DEFAULT JUDGMENT ORDER

Default Judgment is hereby entered in favor of Plaintiffs and against Defendant GEORGE'S & SONS, INC., ("GEORGE'S") as follows:

1. Default Judgment is entered in favor of Plaintiffs and against Defendant GEORGE'S;
2. Defendant, GEORGE'S, through its president George N. Romita, is ordered to provide access to its books and records for all of its employees for the period of January 1, 2001 through December 31, 2007 within three (3) days of the date of this Order, so that the audit can be completed;
3. Defendant, GEORGE'S is ordered to pay all contribution deficiencies that are shown to be owing after the completion of the audit;
4. Defendant, GEORGES is ordered to pay interest on the amount that is shown to be due



and owing from the audit pursuant to 29 U.S.C. § 1132(g)(2)(B), the Trust Agreements, and the Collective Bargaining Agreement;

5. Defendant, GEORGE'S is ordered to pay all liquidated damages on the amount that is determined to be due and owing from the audit pursuant to 29 U.S.C. § 1132(g)(2)(C), the Trust Agreements, and the Collective Bargaining Agreements;
6. Defendant, GEORGE'S is ordered to pay Plaintiffs' reasonable auditor fees, attorney's fees, and all costs incurred by the Plaintiffs in bringing this suit pursuant to 29 U.S.C. § 1132 (g)(2)(D), the Trust Agreements, and the Collective Bargaining Agreement.

ORDERED BY:

HONORABLE JUDGE GOTTSCHALL

Dated: _____